

## RECOMMENDATION

1. Rescind third reading to Business Improvement Area Bylaw No. 19-045
2. Approve the amendment to the Business Improvement Bylaw to permit borrowing specifically for the seasonal animation project with repayment to take place within the five- year term of the Bylaw.
3. Give third reading to amended Business Improvement Area Bylaw No. 19-045

At the March 28, 2019, Council received the report attached as Appendix A regarding the renewal of the Business Improvement Area (BIA), and approved proceeding with notification to owners of the proposed renewal. Subsequently, Council gave three readings to Business Improvement Area Bylaw No. 19-045 on April 11, 2019. Just prior to sending the required notifications of the proposed Bylaw, the DVBA became aware of a limitation on borrowing in section 5 (1)(i) in the proposed Bylaw that would impact their ability to borrow funds to undertake the seasonal animation project that is part of the overall business promotion scheme. This provision has been part of each BIA Bylaw over the 15-year existence of the BIA and is noted below for convenience.

*the DVBA must not carry out any borrowing, that results in an indebtedness or other obligation as to money granted to it by Council under this Bylaw, extending beyond the fiscal year in which that money was granted;*

Staff have not proceeded with the notifications because of the DVBA's concern. DVBA has requested an amendment to the Bylaw that would enable them to borrow the funds required. The attached Bylaw includes a new section 5 (2) as follows:

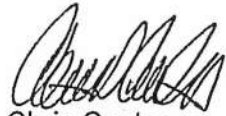
**“Notwithstanding section 5(1)(i), the DVBA may borrow up to \$1,000,000 to be repaid before December 31, 2024 to fund a seasonal activation project.”**

A copy of the full Bylaw with the proposed revision included in yellow highlight is attached as Appendix B. The proposed provision has been reviewed by the DVBA and considered to be acceptable to enable them to undertake the borrowing necessary for the project. Tying the duration of the borrowing

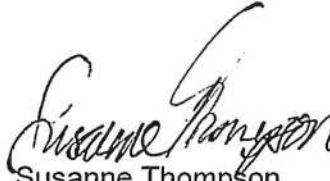
to the security of the funding authorized in the Bylaw provides some security for the financing that would not exist outside the term of the proposed Bylaw.

The notification process takes more than thirty days. To meet the time sensitivity around the acquisition of the equipment for the project to implement this winter, Council may wish to consider advancing the proposed amendment to the bylaw could be made at the daytime council meeting following the Committee of the Whole meeting.

Respectfully submitted,



Chris Coates  
City Clerk



Susanne Thompson  
Deputy City Manager/Chief Financial Officer

Report accepted and recommended by the City Manager:

Date:


**List of Attachments**

Attachment A – March 28, 2019 Committee of the Whole Report  
Attachment B – BIA Bylaw 19-045 ((with amendment included))